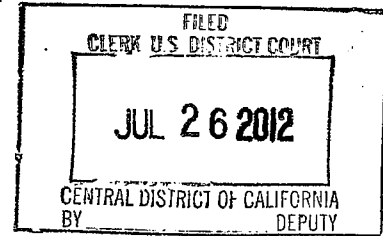


Conforming Copy

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

**CV12-06408 SJO (PLA)**

SWEET PEOPLE APPAREL, INC.  
d/b/a Miss Me, a California corporation  
and RCRV, INC. d/b/a ROCK  
REVIVAL, a California corporation

**Plaintiffs,**

**v.**

LA IDOL FASHION, INC., a  
California corporation, I-YUN YIH  
a/k/a NANCY YIH, an individual, and  
JOHN DOES 1-10, inclusive,

**Defendants.**

Case No.:

**COMPLAINT FOR:**

- (1) Copyright Infringement in Violation of 17 U.S.C. § 501
- (2) Trademark Infringement in Violation of 15 U.S.C. §§ 1114 and 1125(a);
- (3) False Designation of Origin in Violation of 15 U.S.C. § 1125(a);
- (4) Common Law Trademark Infringement and Unfair Competition;
- (5) Unfair Competition in Violation of California Bus. & Prof. Code §§17200 *et seq.*;

**Demand for Jury Trial**

1 Plaintiffs Sweet People Apparel, Inc. d/b/a Miss Me (“Sweet People”) and  
2 RCRV, Inc. d/b/a Rock Revival (“RCRV”) (collectively “Plaintiffs”), by and through  
3 their undersigned counsel, complain of Defendants LA Idol Fashion, Inc. (“LA  
4 Idol”), and I-Yun Yih a/k/a Nancy Yih (“Yih”) (collectively “Defendants”) and allege  
5 as follows:

6 **JURISDICTION AND VENUE**

7 1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§  
8 1331 and 1338 and 15 U.S.C. § 1121. Plaintiffs’ claims are predicated upon the  
9 Copyright Act of 1976, as amended, 17 U.S.C. § 101 *et seq.*, the Trademark Act of  
10 1946, as amended, 15 U.S.C. § 1051 *et seq.*, and substantial and related claims under  
11 the statutory and common law of the State of California.

12 2. Venue is properly founded in this judicial district pursuant to 28 U.S.C.  
13 § 1391(b) and (c) and 1400(a), because Defendants are either subject to personal  
14 jurisdiction within this judicial district, and/or because a substantial part of the events  
15 giving rise to Plaintiffs’ claims occurred within this judicial district.

16 **NATURE OF THE ACTION**

17 3. Sweet People seeks injunctive relief and damages for acts of copyright  
18 infringement, trademark infringement, false designation of origin and unfair  
19 competition, engaged in by Defendants in violation of the laws of the United States  
20 and the State of California.

21 4. RCRV seeks injunctive relief and damages for acts of trademark  
22 infringement, false designation of origin, and unfair competition, engaged in by  
23 Defendants in violation of the laws of the United States and the State of California.

24 5. In particular, this case concerns Defendants’ continuing efforts to  
25 willfully, deliberately and systematically target Plaintiffs, and infringe their most  
26 distinctive and popular designs, used on and in connection with Plaintiffs’ highly  
27 successful lines of jeanswear products.

28 6. In August 2011, Plaintiffs learned that Defendant LA Idol was offering

1 for sale and selling jeanswear products bearing pocket stitch and other designs  
2 virtually identical to certain copyrighted and trademarked designs owned by  
3 Plaintiffs. Accordingly, on August 19, 2011 Plaintiffs commenced an action for,  
4 *inter alia*, copyright and trademark infringement against LA Idol, such action bearing  
5 the caption *Sweet People Apparel, Inc. d/b/a Miss Me et al. v. LA Idol Fashion, Inc.*,  
6 Case No.: 11-Civ-06849 (SVW) (FFMx) (C.D. Cal.) (the “First Action”), and on  
7 September 19, 2011, Plaintiffs filed a Motion for Preliminary Injunction. On October  
8 11, 2011, the Hon. Stephen V. Wilson granted Plaintiffs’ Motion for Preliminary  
9 Injunction, and on October 25, 2011, Judge Wilson entered an order preliminarily  
10 enjoining LA Idol from selling all products bearing the infringing designs at issue in  
11 the First Action.

12 7. On April 12, 2012, following a three-day trial on liability, a jury reached  
13 a unanimous verdict in the First Action finding that LA Idol had willfully and  
14 intentionally infringed Plaintiffs’ copyrighted and trademarked designs. Attached  
15 hereto as Exhibit A is a true and correct copy of the jury’s verdict form in the First  
16 Action. During the course of the First Action, Plaintiffs learned that Defendant Yih  
17 was the owner and President of LA Idol, was responsible for the design of all  
18 jeanswear products LA Idol offered for sale and sold, and was the moving, active,  
19 conscious force directing LA Idol’s willful copyright and trademark infringement.

20 8. Upon information and belief, prior to and following the jury’s verdict in  
21 the First Action, and in any event following the commencement of the First Action  
22 and following Judge Wilson’s entry of the October 25, 2011 Preliminary Injunction  
23 Order in the First Action, LA Idol designed, imported, distributed, offered for sale  
24 and/or sold jeanswear products bearing designs that infringed copyrighted and  
25 trademarked designs owned by Plaintiffs that were not the subject of the First Action.  
26 LA Idol began offering for sale and selling these infringing designs after substantial  
27 resources were expended by Plaintiffs in promoting and selling jeanswear products  
28 containing their copyrighted and trademarked designs, and after consumers had come

1 to recognize such designs and associate them exclusively with Plaintiffs. This  
2 conduct was in bad faith, was undertaken without Plaintiffs' consent, and was  
3 engaged in by LA Idol deliberately so that it could directly compete with Plaintiffs.

4 **THE PARTIES**

5 9. Plaintiff Sweet People is a corporation duly organized and existing under  
6 the laws of the State of California, and maintains its principal place of business at  
7 4715 S. Alameda Street, Los Angeles, California 90058.

8 10. Plaintiff RCRV is a corporation organized and existing under the laws of  
9 the State of California, and maintains its principal place of business at 4715 S.  
10 Alameda Street, Los Angeles, California 90058.

11 11. Upon information and belief, Defendant LA Idol is a corporation duly  
12 organized and existing under the laws of the State of California, and maintains its  
13 principal place of business within this judicial district at 1100 S. San Pedro St. #K8,  
14 Los Angeles, California 90015.

15 12. Upon information and belief, Defendant I-Yun Yih is an individual  
16 residing in this judicial district at 1033 Roanoke Road, San Marino, California 91108  
17 and having an office located at 1100 S. San Pedro St. #K8, Los Angeles, California  
18 90015. Defendant Yih is also know by the name "Nancy Yih". Upon further  
19 information and belief, Defendant Yih is the owner and President of LA Idol, and is  
20 the moving, active, conscious force directing LA Idol's wrongful actions described  
21 herein. Accordingly, Defendant Yih is personally responsible and individually liable  
22 for the wrongful actions of LA Idol as described herein.

23 13. Upon information and belief, Defendants John Does 1-10, inclusive, are  
24 individuals and/or entities whose conduct is the subject of this action, but whose  
25 identities or locations are unknown. Such individuals and/or entities are believed to  
26 engage in, or operate and/or direct the activities of other parties engaged in the  
27 wrongful actions described herein.

28 14. Upon information and belief, each of the Defendants is the agent,



1 representative and/or alter ego of the other Defendants.

2 **SWEET PEOPLE'S BUSINESS**

3 15. Sweet People manufactures, promotes, sells and distributes high-quality  
4 jeanswear and denim products throughout the United States, including in this judicial  
5 district, under the MISS ME brand name. Sweet People's line of MISS ME brand  
6 jeanswear products are sold at retail by such well-known fashion retailers and  
7 department stores as Macy's, Dillard's and The Buckle, both in-store and online.

8 16. Over the past several years, the MISS ME brand of jeanswear and denim  
9 products has become very popular in the highly competitive jeanswear market. Due  
10 to its popularity, Sweet People's MISS ME jeanswear has received extensive media  
11 coverage and has appeared in numerous widely circulated fashion magazines,  
12 including *In Style*, *Elle*, *Glamour*, *Lucky*, *944 Magazine*, *Harper's Bazaar*, *Lucky*,  
13 *Teen Vogue* and *Nylon*. In addition, celebrities such as Miley Cyrus, Paris Hilton and  
14 Beyonce have been photographed wearing MISS ME jeanswear.

15 17. Among the many elements that identify MISS ME brand jeanswear  
16 products and distinguish them from the products of Sweet People's competitors are  
17 the unique and distinctive designs created by Sweet People and embroidered onto  
18 and/or otherwise affixed to its jeanswear products. Such designs are used repeatedly  
19 by Sweet People on its MISS ME brand of jeanswear products, and have come to  
20 exclusively identify Sweet People as the source of such products.

21 18. Among Sweet People's most important assets are the intellectual  
22 property rights it owns in the unique and distinctive designs used on and in  
23 connection with its MISS ME line of jeanswear products. Such designs, which are  
24 subject to copyright and/or trademark protection, include Sweet People's Reverse  
25 Western Paisley JP5123 Design; Wide M Pocket Stitch Design; and Split Fleur De  
26 Lis Design.

1                   **SWEET PEOPLE’S REVERSE WESTERN PAISLEY COPYRIGHT**

2           19.     Sweet People owns U.S. Copyright Registration No. VA 1-740-404,  
3 issued on September 20, 2010, for its Reverse Western Paisley JP5123 Design (the  
4 “Reverse Western Paisley JP5123 Design”). A copy of the registration certificates  
5 for Sweet People’s Reverse Western Paisley JP5123 Design Copyright along with a  
6 photograph of the Reverse Western Paisley JP5123 Design as used by Sweet People  
7 on its MISS ME line of jeanswear products is attached hereto as Exhibit B.

8           20.     The Sweet People Reverse Western Paisley JP5123 Design was created  
9 by Sweet People in 2009, and has been in continuous use by Sweet People on  
10 jeanswear products since at least as early as November 25, 2009. Sweet People owns  
11 all right, title and interest in and to the Reverse Western Paisley JP5123 Design,  
12 which constitutes original and copyrightable subject matter under the U.S. Copyright  
13 Act.

14           21.     Sweet People has duly complied with all relevant requirements of the  
15 U.S. Copyright Act with respect to the Sweet People Reverse Western Paisley JP5123  
16 Design Copyright.

17                   **SWEET PEOPLE’S WIDE M POCKET STITCH DESIGN COPYRIGHT**

18           22.     Sweet People owns U.S. Copyright Registration No. VA 1-733-503,  
19 issued on September 3, 2010, for its Wide M Pocket Stitch Design (the “Wide M  
20 Design”). A copy of the registration certificates for Sweet People’s Wide M Design  
21 Copyright along with a photograph of the Wide M Design as used by Sweet People  
22 on its MISS ME line of jeanswear products is attached hereto as Exhibit C.

23           23.     The Wide M Design was created by Sweet People in 2008, and has been  
24 in continuous use by Sweet People on jeanswear products since at least as early as  
25 August 15, 2008. Sweet People owns all right, title and interest in and to the Wide M  
26 Design, which constitutes original and copyrightable subject matter under the U.S.  
27 Copyright Act.

28           24.     Sweet People has duly complied with all relevant requirements of the

1 U.S. Copyright Act with respect to the Wide M Design.

2 **SWEET PEOPLE’S SPLIT FLEUR DE LIS DESIGN COPYRIGHT**

3 25. Sweet People owns U.S. Copyright Registration No. VA 1-807-380,  
4 issued on December 28, 2011, for its Split Fleur De Lis JW530TB3 Design (the  
5 “Split Fleur De Lis Design Copyright”). A copy of the registration certificate for  
6 Sweet People’s Split Fleur De Lis Design Copyright along with a photograph of the  
7 Split Fleur De Lis Design as used by Sweet People on its MISS ME line of jeanswear  
8 products is attached hereto as Exhibit D.

9 26. The Split Fleur De Lis Design was created by Sweet People in 2010, and  
10 has been in continuous use by Sweet People on jeanswear products since at least as  
11 early as January 3, 2011. Sweet People owns all right, title and interest in and to the  
12 Split Fleur De Lis Design, which constitutes original and copyrightable subject matter  
13 under the U.S. Copyright Act.

14 27. Sweet People has duly complied with all relevant requirements of the  
15 U.S. Copyright Act with respect to the Sweet People Split Fleur De Lis Design  
16 Copyright.

17 28. Sweet People’s Reverse Western Paisley JP5123 Design Copyright;  
18 Wide M Pocket Stitch Design Copyright; and Split Fleur De Lis Design Copyright  
19 are collectively referred to as the “Sweet People Copyrights”.

20 **SWEET PEOPLE’S WIDE M POCKET STITCH DESIGN TRADEMARK**

21 29. Sweet People owns trademark rights in certain of the unique and  
22 distinctive designs it uses on and in connection with its MISS ME brand of jeanswear  
23 products.

24 30. Among the design trademarks owned and used by Sweet People is its  
25 distinctive Wide M Design, which is embroidered onto the rear pocket of its MISS  
26 ME line of jeanswear products (the “WIDE M DESIGN Trademark”). Sweet People  
27 created the Wide M Design in 2008, and it has been in continuous use by Sweet  
28 People on jeanswear products since at least as early as August 15, 2008.

1           31. The WIDE M DESIGN Trademark is the subject of U.S. Trademark  
2 Registration No. 4,039,938, registered on October 11, 2011 on the Supplemental  
3 Register for apparel products. Sweet People's trademark registration for the WIDE  
4 M DESIGN Trademark is in full force and effect. A copy of the registration  
5 certificate for the WIDE M DESIGN Trademark is attached hereto as Exhibit E.

6           32. In addition to being, in and of itself, a highly distinctive design, as a  
7 result of Sweet People's uninterrupted and continuing promotion and sale of Sweet  
8 People's line of MISS ME brand jeanswear products bearing the WIDE M DESIGN  
9 Trademark, and the widespread editorial coverage of such products, Sweet People's  
10 WIDE M DESIGN Trademark has acquired distinctiveness, and has developed a  
11 strong secondary meaning among consumers and the trade. Accordingly, Sweet  
12 People's WIDE M DESIGN Trademark immediately identifies Sweet People as the  
13 exclusive source of products that bear the design, and signifies goodwill of  
14 incalculable value.

15           33. The Sweet People Copyrights and Sweet People's WIDE M DESIGN  
16 Trademark are collectively referred to as the "Sweet People Protected Designs".

17                           **RCRV'S BUSINESS**

18           34. RCRV manufactures, promotes, sells and distributes high-quality  
19 jeanswear and denim products throughout the United States, including in this judicial  
20 district, under the ROCK REVIVAL brand name.

21           35. ROCK REVIVAL brand jeanswear is sold at retail by such well-known  
22 fashion chain stores and department stores as The Buckle and Nordstrom, both in-  
23 store and online. ROCK REVIVAL brand jeanswear and denim products have  
24 become very popular in the highly competitive jeanswear market. Among the many  
25 elements that distinguish ROCK REVIVAL jeanswear from its competitors are a  
26 series of design elements embroidered onto the jeans that are used exclusively on  
27 ROCK REVIVAL jeanswear, and which have come to identify RCRV as the source  
28 of such products.

**RCRV'S ARROW STITCH DESIGN MARK**

36. In March 2006, RCRV's predecessor introduced the Arrow Stitch Design on its jeans (the "ARROW STITCH DESIGN Trademark"), a new and unique design that was unlike anything seen before in the jeanswear industry. A photograph of the ARROW STITCH DESIGN Trademark as used by RCRV on its ROCK REVIVAL line of jeanswear products is attached hereto as Exhibit F. The ARROW STITCH DESIGN Trademark is so highly distinctive that it immediately serves as an inherently distinctive indicator of source. Further, and in any case, the ARROW STITCH DESIGN has become distinctive of RCRV's goods through RCRV's and its predecessor's exclusive and continuous use of the design in commerce since March 2006.

37. On May 26, 2011, RCRV applied to register the ARROW STITCH DESIGN on the Principal Register (U.S. Trademark Application Serial Number 85/330,876). The U.S. Trademark Office, after finding that the ARROW STITCH DESIGN Trademark had acquired secondary meaning, issued a Notice of Publication on May 9, 2012, and the mark was published for opposition on May 29, 2012. On July 6, 2012, knowing full well that it had been infringing the ARROW STITCH DESIGN Trademark for some time, LA Idol purported to file a notice of opposition with the U.S. Trademark Office. As LA Idol's notice of opposition was, however, untimely (*i.e.*, it was filed with the U.S. Trademark Office more than 30 days after the ARROW STITCH DESIGN Trademark was published for opposition), RCRV is informed and believes that the Trademark Office will reject such purported opposition, and a Principal Register certificate of registration for the ARROW STITCH DESIGN Trademark is expected to issue shortly.

38. Presently, RCRV's products bearing the ARROW STITCH DESIGN are distributed and sold in over 900 stores worldwide, including well-known retailers such as Macy's and Nordstrom. In addition, products bearing the ARROW STITCH DESIGN are featured online at RCRV's ROCK REVIVAL brand official website,

1 www.rockrevival.com, and are sold on websites affiliated with RCRV's authorized  
2 retail department stores, including The Buckle and Nordstrom. The online depictions  
3 of RCRV products bearing the ARROW STITCH DESIGN Trademark have created  
4 millions of "impressions" of the ARROW STITCH DESIGN Trademark among  
5 consumers.

6 39. The ARROW STITCH DESIGN Trademark appears on all products sold  
7 under the ROCK REVIVAL brand name. In the United States, sales of products  
8 bearing RCRV's ARROW STITCH DESIGN Trademark have been rapidly  
9 increasing over the past few years. For example, sales of products bearing the  
10 ARROW STITCH DESIGN Trademark exceeded \$4 million in 2008, \$22.5 million  
11 in 2009 and \$36.7 million in 2010. Moreover, sales of products bearing the ARROW  
12 STITCH DESIGN Trademark exceeded \$50 million in 2011.

13 40. RCRV has expended substantial amounts of money promoting the  
14 ARROW STITCH DESIGN Trademark as an indicator of source for its goods. In  
15 particular, over the last five years, products bearing the ARROW STITCH DESIGN  
16 Trademark have been featured in leading mainstream and fashion publications. For  
17 example, the leading fashion industry publication *Women's Wear Daily* listed ROCK  
18 REVIVAL as the tenth-most searched-for denim brand in its April 2009. Moreover,  
19 celebrities have repeatedly been photographed wearing RCRV jeanswear bearing the  
20 ARROW STITCH DESIGN Trademark, including Steven Tyler, lead singer of the  
21 famous rock band Aerosmith and former judge on the top-rated television program  
22 "American Idol", in *Rolling Stone* magazine; the Oscar winning actress, Halle Berry,  
23 in *US Weekly*; actress Teri Hatcher, a lead character on the popular television show  
24 "Desperate Housewives"; and former National Football League star and recent  
25 "Dancing With The Stars" winner, Hines Ward.

26 41. In addition to being, in and of itself, a highly distinctive design, as a  
27 result of RCRV's uninterrupted and continuing promotion and sale of RCRV's line of  
28 ROCK REVIVAL brand jeanswear products bearing the ARROW STITCH DESIGN



1 Trademark, and the widespread editorial coverage of such products, RCRV's  
 2 ARROW STITCH DESIGN Trademark has acquired distinctiveness, and has  
 3 developed a strong secondary meaning among consumers and the trade.  
 4 Accordingly, RCRV's ARROW STITCH DESIGN Trademark immediately identifies  
 5 RCRV as the exclusive source of products that bear the design, and signifies goodwill  
 6 of incalculable value.

### 7 **DEFENDANTS' INFRINGING CONDUCT**

8 42. Upon information and belief, Defendant LA Idol is currently, and at all  
 9 times relevant hereto has been engaged in the business of designing, manufacturing,  
 10 importing, distributing, advertising, promoting, offering for sale and selling apparel  
 11 products, including jeanswear.

12 43. Upon information and belief, Defendant LA Idol is designing,  
 13 manufacturing, importing, distributing, advertising, promoting, offering for sale  
 14 and/or selling, and/or are causing to be designed, manufactured, imported,  
 15 distributed, advertised, promoted, offered for sale and/or sold, without authorization  
 16 or license from Plaintiffs, jeanswear products bearing designs that are studied  
 17 imitations of the Sweet People Protected Designs (the "Infringing Sweet People  
 18 Designs"), and the ARROW STITCH DESIGN Trademark (the "Infringing RCRV  
 19 Design"). The Infringing Sweet People Designs and the Infringing RCRV Design are  
 20 collectively referred to as the "Infringing Designs."

21 44. A photograph of an infringing western paisley design used by LA Idol  
 22 on its jeanswear products which is a studied imitation of Sweet People's Reverse  
 23 Western Paisley JP5123 Design Copyright is attached hereto as Exhibit G.

24 45. A photograph of an infringing wide M pocket stitch design used by LA  
 25 Idol on its jeanswear products which is a studied imitation of Sweet People's WIDE  
 26 M Pocket Stitch Design Copyright and Trademark is attached hereto as Exhibit H.

27 46. A photograph of an infringing split fleur de lis design used by LA Idol  
 28 on its jeanswear products which is a studied imitation of Sweet People's Split Fleur



1 De Lis Design Copyright is attached hereto as Exhibit I.

2 47. A photograph of an infringing arrow stitch design used by LA Idol on its  
3 jeanswear products which is a studied imitation of RCRV's ARROW STITCH  
4 DESIGN Trademark is attached hereto as Exhibit J.

5 48. Upon information and belief, both before and after the jury's unanimous  
6 verdict in the First Action finding that LA Idol had willfully and deliberately  
7 infringed certain of Plaintiffs' copyrighted and trademarked designs, LA Idol  
8 designed, manufactured, imported, distributed, advertised, promoted, offered to sell  
9 and/or sold the products bearing the Infringing Designs to retail outlets throughout  
10 the United States, including outlets located in this judicial district.

11 49. Rather than going to the effort and expense of developing and creating  
12 its own unique, source-identifying designs, LA Idol has deliberately, knowingly and  
13 faithfully replicated the Sweet People Protected Designs and the ARROW STITCH  
14 DESIGN Trademark. As a result, LA Idol's jeanswear products bearing the  
15 Infringing Designs are likely to cause consumers, either at the point-of-sale or post-  
16 sale, to believe that products bearing the Infringing Designs are authorized,  
17 sponsored, approved, endorsed or licensed by Plaintiffs, or are in some other way  
18 affiliated, associated, or connected with Plaintiffs.

19 50. Upon information and belief, LA Idol was aware of the fact that the  
20 Sweet People Protected Designs and the ARROW STITCH DESIGN Trademark  
21 were well-known designs of Plaintiffs at the time it began using the Infringing  
22 Designs on its jeanswear products. Accordingly, upon information and belief, LA  
23 Idol has been engaging in the above-described unlawful activities knowingly and  
24 intentionally, and/or with reckless disregard for Sweet People's rights in the Sweet  
25 People Protected Designs, and RCRV's rights in the ARROW STITCH DESIGN  
26 Trademark.

27 51. Upon information and belief, LA Idol is designing, manufacturing,  
28 importing, distributing, advertising, promoting, offering for sale and/or selling, and/or

1 is causing to be designed, manufactured, imported, distributed, advertised, promoted,  
2 offered for sale and/or sold, without authorization or license, jeanswear products  
3 bearing the Infringing Designs at prices below the retail prices at which Plaintiffs'  
4 products bearing such identifying marks and designs are sold.

5 52. Upon information and belief, Defendant Yih, the owner and President of  
6 LA Idol, was responsible for the creation of the Infringing Designs, and was  
7 otherwise the moving, active, conscious force directing all of LA Idol's foregoing  
8 willful infringements.

9 53. Upon information and belief, Defendants intend to continue to design,  
10 manufacture, import, distribute, advertise, promote, offer for sale and/or sell products  
11 bearing the Infringing Designs, unless otherwise restrained by this Court.

12 54. Unless Defendants' conduct is enjoined, such conduct will severely  
13 inhibit and/or destroy the ability of the Sweet People Protected Designs to identify  
14 Sweet People as the exclusive source of goods to which they are affixed.

15 55. Unless Defendants' conduct is enjoined, such conduct will severely  
16 inhibit and/or destroy the ability of the ARROW STITCH DESIGN Trademark to  
17 identify RCRV as the exclusive source of goods to which they are affixed.

18 **FIRST CLAIM FOR RELIEF**

19 **COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)**

20 **(BY PLAINTIFF SWEET PEOPLE)**

21 56. The allegations set forth in paragraphs 1 through 55 hereof are adopted  
22 and incorporated by reference as if fully set forth herein.

23 57. Sweet People is the owner of a U.S. copyright registration for the  
24 Reverse Western Paisley JP5123 Design, which registration is in full force and effect.

25 58. Defendants, without authorization from Sweet People, have designed,  
26 manufactured, imported, distributed, advertised, promoted, offered for sale and/or  
27 sold jeanswear products incorporating designs that were deliberately copied from and  
28 are substantially similar in overall appearance to Sweet People's Reverse Western

1 Paisley JP5123 Design.

2 59. Defendants thereby have willfully infringed and, upon information and  
3 belief, are continuing to willfully infringe Sweet People's copyright in the Reverse  
4 Western Paisley JP5123 Design.

5 60. Upon information and belief, by their acts, Defendants have made and  
6 will make substantial profits and gains to which they are not in law or in equity  
7 entitled.

8 61. Upon information and belief, Defendants intend to continue their willful  
9 conduct, and will continue to willfully infringe Sweet People's copyright in the  
10 Reverse Western Paisley JP5123 Design, and to act in bad faith, unless restrained by  
11 this Court.

12 62. Defendants' acts have damaged and will continue to irreparably damage  
13 Sweet People, and Sweet People has no adequate remedy at law.

14 **SECOND CLAIM FOR RELIEF**

15 **COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)**

16 **(BY PLAINTIFF SWEET PEOPLE)**

17 63. The allegations set forth in paragraphs 1 through 62 hereof are adopted  
18 and incorporated by reference as if fully set forth herein.

19 64. Sweet People is the owner of a U.S. copyright registration for the Wide  
20 M Pocket Stitch Design, which registration is in full force and effect.

21 65. Defendants, without authorization from Sweet People, have designed,  
22 manufactured, imported, distributed, advertised, promoted, offered for sale and/or  
23 sold jeanswear products incorporating designs that were deliberately copied from and  
24 are substantially similar in overall appearance to Sweet People's Wide M Pocket  
25 Stitch Design.

26 66. Defendants thereby have willfully infringed and, upon information and  
27 belief, are continuing to willfully infringe Sweet People's copyright in the Wide M  
28 Pocket Stitch Design.

1           67. Upon information and belief, by their acts, Defendants have made and  
2 will make substantial profits and gains to which they are not in law or in equity  
3 entitled.

4           68. Upon information and belief, Defendants intend to continue their willful  
5 conduct, and will continue to willfully infringe Sweet People's copyright in the Wide  
6 M Pocket Stitch Design, and to act in bad faith, unless restrained by this Court.

7           69. Defendants' acts have damaged and will continue to irreparably damage  
8 Sweet People, and Sweet People has no adequate remedy at law.

9                           **THIRD CLAIM FOR RELIEF**

10                   **COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)**

11                           **(BY PLAINTIFF SWEET PEOPLE)**

12           70. The allegations set forth in paragraphs 1 through 69 hereof are adopted  
13 and incorporated by reference as if fully set forth herein.

14           71. Sweet People is the owner of a U.S. copyright registration for the Split  
15 Fleur De Lis Design, which registration is in full force and effect.

16           72. Defendants, without authorization from Sweet People, have designed,  
17 manufactured, imported, distributed, advertised, promoted, offered for sale and/or  
18 sold jeanswear products incorporating designs that were deliberately copied from and  
19 are substantially similar in overall appearance to Sweet People's Split Fleur De Lis  
20 Design.

21           73. Defendants thereby have willfully infringed and, upon information and  
22 belief, are continuing to willfully infringe Sweet People's copyright in the Split Fleur  
23 De Lis Design.

24           74. Upon information and belief, by their acts, Defendants have made and  
25 will make substantial profits and gains to which they are not in law or in equity  
26 entitled.

27           75. Upon information and belief, Defendants intend to continue their willful  
28 conduct, and will continue to willfully infringe Sweet People's copyright in the Split

1 Fleur De Lis Design, and to act in bad faith, unless restrained by this Court.

2 76. Defendants' acts have damaged and will continue to irreparably damage  
3 Sweet People, and Sweet People has no adequate remedy at law.

4 **FOURTH CLAIM FOR RELIEF**  
5 **TRADEMARK INFRINGEMENT (15 U.S.C. § 1114)**  
6 **(BY PLAINTIFF SWEET PEOPLE)**

7 77. The allegations set forth in paragraphs 1 through 76 hereof are adopted  
8 and incorporated by reference as if fully set forth herein.

9 78. Sweet People's WIDE M DESIGN Trademark has acquired strong  
10 secondary meaning in the marketplace and immediately indicates Sweet People as the  
11 exclusive source of jeanswear products on which it is used.

12 79. Defendants, without authorization or approval from Sweet People, and  
13 after Sweet People created and first used the WIDE M DESIGN Trademark on its  
14 jeanswear products, have designed, manufactured, imported, distributed, advertised,  
15 promoted, sold and/or offered for sale jeanswear products which deliberately contain  
16 a design that is identical and/or confusingly similar to the WIDE M DESIGN  
17 Trademark.

18 80. Upon information and belief, Defendants' products bearing a design that  
19 is identical and/or confusingly similar to the WIDE M DESIGN Trademark is  
20 intended to cause, and is likely to continue to cause confusion, mistake and deception  
21 among the general consuming public and the trade as to the source of Defendants'  
22 products bearing such infringing design, or as to a possible affiliation, connection or  
23 association between Sweet People and Defendants, and/or between Sweet People and  
24 the products bearing the infringing design.

25 81. Upon information and belief, Defendants have acted with knowledge of  
26 Sweet People's ownership of the WIDE M DESIGN Trademark, and with the  
27 deliberate intention to unfairly benefit from the goodwill symbolized thereby.

28 82. Defendants' acts constitute willful trademark infringement in violation

1 of 15 U.S.C. § 1114.

2 83. Upon information and belief, by their actions, Defendants intend to  
3 continue their infringing conduct, and to willfully infringe Sweet People's WIDE M  
4 DESIGN Trademark, unless restrained by this Court.

5 84. Upon information and belief, by their willful acts, Defendants have  
6 made and will continue to make substantial profits and gains to which they are not in  
7 law or equity entitled.

8 85. Upon information and belief, Defendants' acts have caused and will  
9 continue to cause irreparable harm to Sweet People, and Sweet People has no  
10 adequate remedy at law.

11 **FIFTH CLAIM FOR RELIEF**  
12 **TRADEMARK INFRINGEMENT (15 U.S.C. § 1125(a))**  
13 **(BY PLAINTIFF RCRV)**

14 86. The allegations set forth in paragraphs 1 through 85 hereof are adopted  
15 and incorporated by reference as if fully set forth herein.

16 87. RCRV's ARROW STITCH DESIGN Trademark has acquired strong  
17 secondary meaning in the marketplace and immediately indicates RCRV as the  
18 exclusive source of jeanswear products on which it is used.

19 88. Defendants, without authorization or approval from RCRV, have  
20 deliberately designed, manufactured, imported, distributed, advertised, promoted,  
21 sold and/or offered for sale jeanswear products which contain a design that is  
22 identical and/or confusingly similar to the ARROW STITCH DESIGN Trademark.

23 89. Upon information and belief, Defendants' products bearing a design that  
24 is identical and/or confusingly similar to the ARROW STITCH DESIGN Trademark  
25 is intended to cause, and is likely to continue to cause confusion, mistake and  
26 deception among the general consuming public and the trade as to the source of  
27 Defendants' products bearing such infringing design, or as to a possible affiliation,  
28 connection or association between RCRV and Defendants, and/or between RCRV

1 and the products bearing the infringing design.

2 90. Upon information and belief, Defendants have acted with knowledge of  
3 RCRV's ownership of the ARROW STITCH DESIGN Trademark, and with the  
4 deliberate intention to unfairly benefit from the goodwill symbolized thereby.

5 91. Defendants' acts constitute willful trademark infringement in violation  
6 of 15 U.S.C. § 1125(a).

7 92. Upon information and belief, by their actions, Defendants intend to  
8 continue their infringing conduct, and to willfully infringe RCRV's ARROW  
9 STITCH DESIGN Trademark, unless restrained by this Court.

10 93. Upon information and belief, by their willful acts, Defendants have  
11 made and will continue to make substantial profits and gains to which they are not in  
12 law or equity entitled.

13 94. Upon information and belief, Defendants' acts have caused and will  
14 continue to cause irreparable harm to RCRV, and RCRV has no adequate remedy at  
15 law.

16 **SIXTH CLAIM FOR RELIEF**

17 **FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))**

18 **(BY BOTH PLAINTIFFS)**

19 95. The allegations set forth in paragraphs 1 through 94 hereof are adopted  
20 and incorporated by reference as if fully set forth herein.

21 96. Defendants' deliberate design, manufacture, importation, distribution,  
22 advertising, promotion, offer for sale and/or sale of jeanswear products bearing the  
23 Infringing Designs, without authorization from Plaintiffs, is intended to cause and is  
24 likely to continue to cause confusion, mistake and deception among the general  
25 consuming public and the trade as to the source of such products, or as to a possible  
26 affiliation, connection or association between Plaintiffs and Defendants, and/or  
27 between Plaintiffs and such products.

28 97. Defendants' conduct as aforementioned constitutes a willful false



1 designation of the origin of the products bearing the Infringing Designs, and/or false  
2 and misleading descriptions and representations of fact, all in violation of 15 U.S.C. §  
3 1125(a).

4 98. Upon information and belief, by their actions, Defendants intend to  
5 continue to falsely designate the origin of their products as aforesaid, unless  
6 restrained by this Court.

7 99. Upon information and belief, by their willful acts, Defendants have  
8 made and will continue to make substantial profits and gains to which they are not in  
9 law or equity entitled.

10 100. Upon information and belief, Defendants' acts have caused and will  
11 continue to cause irreparable harm to Plaintiffs, and Plaintiffs have no adequate  
12 remedy at law.

13 **SEVENTH CLAIM FOR RELIEF**  
14 **COMMON LAW TRADEMARK INFRINGEMENT**  
15 **AND UNFAIR COMPETITION**  
16 **(BY BOTH PLAINTIFFS)**

17 101. The allegations set forth in paragraphs 1 through 100 hereof are adopted  
18 and incorporated by reference as if fully set forth herein.

19 102. By deliberately designing, manufacturing, importing, distributing,  
20 promoting, advertising, offering for sale and/or selling jeanswear products bearing the  
21 Infringing Designs, Defendants are deceptively attempting to "pass off" their  
22 products as those of Plaintiffs, or as somehow related to or associated with, or  
23 sponsored or endorsed by, Plaintiffs, thereby exploiting Plaintiffs' reputation and  
24 goodwill in the marketplace.

25 103. Defendants' acts and conduct are likely to cause confusion, mistake and  
26 deception among the general consuming public and the trade as to the source of  
27 Defendants' products, or as to a possible affiliation, connection or association  
28 between Plaintiffs and Defendants, and/or between Plaintiffs and Defendants'

1 products, in violation of Plaintiffs' rights under the common law of the State of  
2 California.

3 104. Upon information and belief, by their actions, Defendants intend to  
4 continue their infringing and unfairly competitive acts, unless restrained by this  
5 Court.

6 105. Upon information and belief, by their willful acts, Defendants have  
7 made and will continue to make substantial profits and gains to which they are not in  
8 law or equity entitled.

9 106. Upon information and belief, Defendants' acts have caused and will  
10 continue to cause irreparable harm to Plaintiffs, and Plaintiffs have no adequate  
11 remedy at law.

12 107. Pursuant to the common law of the State of California, Plaintiffs are  
13 entitled to injunctive relief and an award of damages and Defendants' profits  
14 resulting from Defendants' willful conduct.

15 108. Plaintiffs are further informed and believe that Defendants' conduct was  
16 oppressive, fraudulent and malicious, and are thereby entitled to an award of punitive  
17 damages.

18 **EIGHTH CLAIM FOR RELIEF**  
19 **CALIFORNIA UNFAIR COMPETITION**  
20 **(Cal. Bus. & Prof. Code §§ 17200 *et seq.*)**  
21 **(BY BOTH PLAINTIFFS)**

22 109. The allegations set forth in paragraphs 1 through 108 hereof are adopted  
23 and incorporated by reference as if fully set forth herein.

24 110. The aforesaid acts of Defendants constitute unlawful, unfair, or  
25 fraudulent unfair competition in violation of California Business & Professions Code  
26 §§ 17200 *et seq.*

27 111. Upon information and belief, Plaintiffs have standing to assert this claim  
28 under California Business & Professions Code §§ 17200 *et seq.* because their

1 monetary and property interests have been damaged by the aforesaid actions of  
2 Defendants. By way of example, upon information and belief, Plaintiffs have lost  
3 sales of their jeanswear products due to Defendants' aforesaid conduct, and/or the  
4 value of the Sweet People Protected Designs and RCRV's ARROW STITCH  
5 DESIGN Trademark have been diminished by Defendants' actions.

6 112. Upon information and belief, by their actions, Defendants intend to  
7 continue their unfairly competitive conduct, unless restrained by this Court.

8 113. Upon information and belief, by their willful acts, Defendants have  
9 made and will continue to make substantial profits and gains to which they are not in  
10 law or equity entitled.

11 114. Pursuant to California Business & Professions Code §§ 17200 *et seq.*,  
12 Plaintiffs are entitled to injunctive relief and an award of attorneys' fees and costs.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs demand judgment against Defendants as follows:

15 1. Finding that, (i) as to Counts 1-3, Defendants engaged in willful copyright  
16 infringement in violation of 17 U.S.C. § 501; (ii) as to Count 4, Defendants engaged  
17 in willful trademark infringement in violation of 15 U.S.C. § 1114; (iii) as to Count 5,  
18 Defendants engaged in willful trademark infringement in violation of 15 U.S.C.  
19 § 1125(a); (iv) as to Count 6, Defendants engaged in acts of false designation of  
20 origin and unfair competition in violation of 15 U.S.C. § 1125(a); (v) as to Count 7,  
21 Defendants engaged in willful trademark infringement and unfair competition under  
22 the common law of the State of California; and (vi) as to Count 8, Defendants  
23 engaged in willful unfair competition in violation of California Business &  
24 Professions Code §§ 17200 *et seq.*

25 2. That Defendants and all of those acting in concert with them, including  
26 their agents and servants, and all those on notice of this suit, be preliminarily and  
27 permanently enjoined from:  
28

1 (a) Designing, manufacturing, importing, distributing, advertising,  
2 promoting, offering for sale and/or selling any products which bear the Infringing  
3 Designs, or any other design substantially similar in overall appearance and/or  
4 confusingly similar thereto, and engaging in any other activity constituting an  
5 infringement of any of Plaintiffs' rights in and to the Sweet People Protected Designs  
6 and RCRV's ARROW STITCH DESIGN Trademark; and

7 (b) engaging in any activity constituting unfair competition with  
8 Plaintiffs, or acts and practices that deceive the public and/or the trade, including,  
9 without limitation, the use of design elements and designations associated with  
10 Plaintiffs.

11 3. That Defendants be required to take such other measures as the Court may  
12 deem appropriate to prevent the public from deriving any erroneous impression that  
13 products bearing the Infringing Designs have been designed, manufactured, imported,  
14 distributed, advertised, promoted, offered for sale and/or sold by Plaintiffs, have been  
15 authorized by Plaintiffs, or are related to or associated in any way with Plaintiffs or  
16 their products.

17 4. That Defendants be required to recall all infringing items and advertising  
18 and promotional materials, and thereafter to deliver up for destruction all infringing  
19 designs, artwork, packaging, advertising and promotional materials, and any means of  
20 making such infringing items.

21 5. That the Court award Sweet People (i) Defendants' profits and Sweet  
22 People's damages and/or statutory damages, attorneys' fees and costs, to the full  
23 extent provided for by 17 U.S.C. §§ 504 and 505; (ii) Defendants' profits and Sweet  
24 People's damages, attorneys' fees and costs, to the full extent provided for by 15  
25 U.S.C. § 1117, with any monetary award under 15 U.S.C. § 1117 to be trebled;  
26 (iii) attorneys' fees and injunctive and other equitable relief, to the full extent  
27 provided for by California Business & Professions Code §§17200 *et seq.*, to prevent  
28 Defendants from continuing to engage in the unlawful, unfair, and/or fraudulent

1 business practices alleged herein and from continuing to receive ill-gotten gains  
2 therefrom; (iv) actual and punitive damages as provided for under the common law;  
3 and (v) attorneys' fees and costs incurred herein.

4 6. That the Court award RCRV (i) Defendants' profits and RCRV's  
5 damages, attorneys' fees and costs, to the full extent provided for by 15 U.S.C. §  
6 1117, with any monetary award under 15 U.S.C. § 1117 to be trebled; (ii) attorneys'  
7 fees and injunctive and other equitable relief, to the full extent provided for by  
8 California Business & Professions Code §§17200 *et seq.*, to prevent Defendants from  
9 continuing to engage in the unlawful, unfair, and/or fraudulent business practices  
10 alleged herein and from continuing to receive ill-gotten gains therefrom; (iii) actual  
11 and punitive damages as provided for under the common law; and (iv) attorneys' fees  
12 and costs incurred herein.

13 7. That Plaintiffs be awarded pre-judgment and post-judgment interest on  
14 any monetary award made part of the judgment against Defendants.

15 8. That Plaintiffs be awarded such additional and further relief as the Court  
16 deems just and proper.

17 ///

18 ///

19 ///

1  
2 Dated: July 25, 2012

ARNOLD & PORTER LLP

3  
4  
5 By: 

John C. Ulin  
John.Ulin@aporter.com  
James S. Blackburn  
James.Blackburn@aporter.com  
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12 *Attorneys for Plaintiffs*  
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**JURY DEMAND**

Pursuant to Fed. R. Civ. Proc. 38(b), Plaintiffs Sweet People Apparel, Inc. d/b/a Miss Me and RCRV, Inc., d/b/a Rock Revival, hereby demand trial by jury of all issues so triable that are raised herein or which hereinafter may be raised in this action.

Dated: July 25, 2012

ARNOLD & PORTER LLP

By: 

John C. Ulin  
John.Ulin@aporter.com  
James S. Blackburn  
James.Blackburn@aporter.com  
Eric D. Mason  
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Los Angeles, California 90017-5844  
Telephone: (213) 243-4000  
Facsimile: (213) 243-4199

*Attorneys for Plaintiffs*



**EXHIBIT A**

Case 2:11-cv-06849-SVW-FFM Document 206 Filed 04/12/12 Page 1 of 3 Page ID #:5493



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SWEET PEOPLE APPAREL, INC., et al., Plaintiffs, vs. LA IDOL FASHION, INC., et al., Defendants.	CASE NO. CV 11-6849-SVW(FFMx)  VERDICT  <div style="border: 1px solid red; padding: 2px; display: inline-block;">REDACTED</div>
--	---

On the claims of Plaintiffs Sweet People Apparel, Inc. and RCRV, Inc. against Defendant LA Idol Fashion, Inc., we, the jury, find as follows:

- Has Plaintiff Sweet People Apparel, Inc. proven by a preponderance of the evidence that Defendant LA Idol Fashion, Inc.'s jeanswear designs infringe one or more of the following copyrighted designs?

Sweet People's Wing Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's Fleur De Lis Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's Beaded Cross Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's JP5117 Cross Wing Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's JP5095 Wing Cross Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's Cross Roads Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's Sparkle Cross Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Case 2:11-cv-06849-SVW-FFM Document 206 Filed 04/12/12 Page 2 of 3 Page ID #:5494

2. If you answered "yes" to any of the copyrighted designs set forth in question number 1, do you find that Sweet People Apparel, Inc. has proven by a preponderance of the evidence that Defendant LA Idol Fashion, Inc. willfully infringed one or more of the following copyrighted designs?

Sweet People's Wing Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's Fleur De Lis Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's Beaded Cross Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's JP5117 Cross Wing Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's JP5095 Wing Cross Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's Cross Roads Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sweet People's Sparkle Cross Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

3. Have Plaintiffs Sweet People Apparel, Inc. and RCRV, Inc. proven by a preponderance of the evidence that Defendant LA Idol Fashion, Inc.'s jeanswear designs infringe one or more of the following trademarked designs?

Sweet People's Fabric Cut Out Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
RCRV's Inverted Fleur de Lis Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

4. If you answered "yes" to any of the trademarked designs set forth in question number 3, do you find that Sweet People Apparel, Inc. has proven by a preponderance of the evidence that Defendant LA Idol Fashion, Inc. willfully infringed one or more of the following trademarked designs?

Sweet People's Fabric Cut Out Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
RCRV's Inverted Fleur de Lis Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

5. Have Plaintiffs Sweet People Apparel, Inc. and RCRV, Inc. proven by a preponderance of the evidence that Defendant LA Idol Fashion, Inc. engaged in common law trademark infringement with respect to one or more of the following trademarked designs?

Sweet People's Fabric Cut Out Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
RCRV's Inverted Fleur de Lis Design	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

6. If you answered "yes" to any of the trademarked designs set forth in question number 7, do you find that Sweet People Apparel, Inc. has proven by a clear and convincing evidence that Defendant LA Idol Fashion, Inc. acted with fraud, oppression, or malice by engaging in common law trademark infringement with respect to one or more of the following trademarked designs?

Sweet People's Fabric Cut Out Design	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
RCRV's Inverted Fleur de Lis Design	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

DATE: 4/12/12

SIGNED:

Redacted as to Foreperson's Name

Print Name:

JURY FOREPERSON

**EXHIBIT B****Certificate of Registration**

This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
 Register of Copyrights, United States of America

**Registration Number**  
**VA 1-740-404**

**Effective date of  
 registration:**  
 September 20, 2010

**Title** \_\_\_\_\_

**Title of Work:** Reverse Western Paisley JP5123

**Completion/ Publication** \_\_\_\_\_

**Year of Completion:** 2009

**Date of 1st Publication:** November 25, 2009

**Nation of 1st Publication:** United States

**Author** \_\_\_\_\_

■ **Author:** Sweet People Apparel, Inc.

**Author Created:** Artwork applied to clothing

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

**Copyright claimant** \_\_\_\_\_

**Copyright Claimant:** Sweet People Apparel, Inc.

4715 S. Alameda St., Los Angeles, CA, 90058, United States

**Rights and Permissions** \_\_\_\_\_

**Organization Name:** Sweet People Apparel, Inc.

**Name:** Lilly Kim

**Email:** lillykim@missme.com

**Telephone:** 323-235-7307

**Address:** 4715 S. Alameda St.

Los Angeles, CA 90058

**Certification** \_\_\_\_\_

**Name:** Lilly Kim

**Date:** September 20, 2010





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7/19/09



## EXHIBIT C

### Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**Registration Number**  
**VA 1-733-503**

**Effective date of  
registration:**  
September 3, 2010

**Title** \_\_\_\_\_

**Title of Work:** Wide M Pocket Stitch Design

**Completion/Publication** \_\_\_\_\_

**Year of Completion:** 2008

**Date of 1st Publication:** August 15, 2008

**Nation of 1st Publication:** United States

**Author** \_\_\_\_\_

■ **Author:** Sweet People Apparel, Inc.

**Author Created:** Artwork Applied To Clothing

**Work made for hire:** Yes

**Citizen of:** United States

**Copyright claimant** \_\_\_\_\_

**Copyright Claimant:** Sweet People Apparel, Inc.

4715 S. Alameda Street, Los Angeles, CA 90058, United States

**Rights and Permissions** \_\_\_\_\_

**Organization Name:** Sweet People Apparel, Inc.

**Address:** 4715 S. Alameda Street

Los Angeles, CA 90058 United States

**Certification** \_\_\_\_\_

**Name:** Brent S. LaBarge

**Date:** September 3, 2010

**Applicant's Tracking Number:** 21406.001





## EXHIBIT D

### Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

**Registration Number**  
**VA 1-807-380**

**Effective date of  
registration:**

December 28, 2011

**Title** \_\_\_\_\_

**Title of Work:** Split Fleur de Lis JW530TB3

**Completion/Publication** \_\_\_\_\_

**Year of Completion:** 2010

**Date of 1st Publication:** January 3, 2011

**Nation of 1st Publication:** United States

**Author** \_\_\_\_\_

■ **Author:** Sweet People Apparel, Inc.

**Author Created:** Artwork Applied to Clothing

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

**Copyright claimant** \_\_\_\_\_

**Copyright Claimant:** Sweet People Apparel, Inc.

4715 S. Alameda St., Los Angeles, CA, 90058

**Rights and Permissions** \_\_\_\_\_

**Organization Name:** Sweet People Apparel, Inc.

**Address:** 4715 S. Alameda St.

Los Angeles, CA 90058

**Certification** \_\_\_\_\_

**Name:** Lilly Kim

**Date:** December 28, 2011

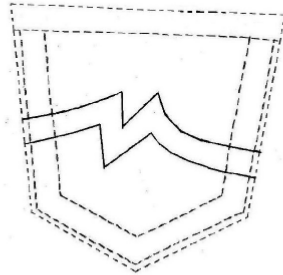






**EXHIBIT E**

**United States of America**  
**United States Patent and Trademark Office**



**Reg. No. 4,039,938**

SWEET PEOPLE APPAREL, INC. (CALIFORNIA CORPORATION)  
4715 S. ALAMEDA STREET  
LOS ANGELES, CA 90058

**Registered Oct. 11, 2011**

**Int. Cl.: 25**

FOR: APPAREL, NAMELY, JEANS, PANTS, SHORTS AND SKIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

FIRST USE 5-5-2008; IN COMMERCE 8-15-2008.

**SUPPLEMENTAL REGISTER**

THE MARK CONSISTS OF A STYLIZED LETTER "M" DISPLAYED ON A POCKET. THE DOTTED OUTLINE IN THE MARK IS INTENDED TO SHOW THE POSITION OF THE MARK ON THE POCKET AND IS NOT PART OF THE MARK.

SER. NO. 85-139,716, FILED 9-28-2010.

MICHAEL TANNER, EXAMINING ATTORNEY



*David J. Kyros*

Director of the United States Patent and Trademark Office

**EXHIBIT F**



**EXHIBIT G**



**EXHIBIT H**









**EXHIBIT I**



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**EXHIBIT J**



ARNOLD & PORTER LLP  
 John C. Ulin (State Bar No. 165524)  
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 777 South Figueroa Street, 44th Floor  
 Los Angeles, CA 90017-5844  
 Telephone: (213) 243-4000  
 Facsimile: (213) 243-4199

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

SWEET PEOPLE APPAREL, INC. d/b/a Miss Me, a  
 California corporation, and RCRV, INC. d/b/a ROCK  
 REVIVAL, a California corporation,

PLAINTIFF(S)

v.

LA IDOL FASHION, INC., a California corporation,  
 I-YUN YIH a/k/a NANCY YIH, an individual, and  
 JOHN DOES 1-10, inclusive

DEFENDANT(S).

CASE NUMBER

CV12-06408

SJO (PLA)

**SUMMONS**

TO: DEFENDANT(S): LA IDOL FASHION, INC. and I-YUN YIH a/k/a NANCY YIH

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, John C. Ulin, whose address is Arnold & Porter LLP, 777 S. Figueroa St., 44th Floor, Los Angeles, CA, 90017-5844. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JUL 26 2012

Dated: \_\_\_\_\_

Clerk, U.S. District Court

**JULIE PRADO**

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].



## CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> Sweet People Apparel, Inc. d/b/a Miss Me, and RCRV, Inc. d/b/a Rock Revival		<b>DEFENDANTS</b>  LA Idol Fashion, Inc., I-Yun Yih a/k/a Nancy Yih, and John Does 1-10	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Arnold & Porter LLP 777 South Figueroa Street, 44th Floor Los Angeles, CA 90017-5844		<b>Attorneys (If Known)</b>	

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:33%;">PTF DEF <input type="checkbox"/> 1   <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:33%;">PTF DEF <input type="checkbox"/> 4   <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2   <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5   <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3   <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6   <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4										
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6										

  
**IV. ORIGIN** (Place an X in one box only.)  
☒ 1 Original Proceeding   
☐ 2 Removed from State Court   
☐ 3 Remanded from Appellate Court   
☐ 4 Reinstated or Reopened   
☐ 5 Transferred from another district (specify):   
☐ 6 Multi-District Litigation   
☐ 7 Appeal to District Judge from Magistrate Judge
   
  
**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes   ☐ No (Check "Yes" only if demanded in complaint.)  
**CLASS ACTION under F.R.C.P. 23:** ☐ Yes   ☒ No     **MONEY DEMANDED IN COMPLAINT: \$** 100,000+
   
  
**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Copyright Act (copyright infringement); Lanham Act (trademark infringement)
   
  
**VII. NATURE OF SUIT** (Place an X in one box only.)
 

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

CV12-06408

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes  
If yes, list case number(s): 11-cv-06849-SVW-FFM, 12-cv-02759-ODW-CW

## Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☒ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☒ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

## IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date July 25, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

## Key to Statistical codes relating to Social Security Cases:

## Nature of Suit Code Abbreviation

## Substantive Statement of Cause of Action

861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Paul Abrams.

The case number on all documents filed with the Court should read as follows:

**CV12- 6408 SJO (PLAx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.